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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KDEM](#) [KCOR](#) [AJ](#)
SUBJECT: SCENESETTER FOR DRL A/S KRAMER'S VISIT TO BAKU,
JUNE 26-28

REF: A. BAKU 541
[1](#)B. BAKU 524

Classified By: Ambassador Anne E. Derse per 1.4 (b,d).

[1](#)1. (C) Summary: President Aliyev and his closest advisors are still perturbed over what they perceive as a series of slights from the USG, which they view as inconsistent with our bilateral partnership. They are expressing their anger through a new, tough line on democracy and human rights issues, hinting that further reforms are unlikely in the run-up to the October 15 presidential election. Recent GOAJ actions - including some of the changes to the electoral code and intransigence on media issues - indicate that the political space available to independent and opposition voices may continue to shrink. Your visit is an opportunity for a frank discussion with Aliyev of the costs of Azerbaijan's poor human rights record to the country's international image and influence, as well as our overall relationship, and the benefits to be gained by taking specific steps to improve the pre-election environment and tackle rule-of-law and corruption problems in a meaningful way. Specific recommendations in all five areas of our human rights and democracy dialogue are outlined below. End summary.

A TESTY TIME IN THE RELATIONSHIP

[1](#)2. (C) Your visit comes at a very important time in our bilateral relationship. President Aliyev and his closest advisors are still perturbed by what they perceive as series of recent slights from the USG. In a blunt and very personal statement, President Aliyev recently told us that he views the United States' "no" vote on Azerbaijan's UNGA resolution regarding Nagorno-Karabakh and recent statements by the President and Secretary critical of Azerbaijan's human rights record as part of a negative and possibly deliberate trend that is not in accordance with our strategic partnership (ref a). This issue is particularly sensitive because Aliyev acknowledges that Azerbaijan is "not perfect" and criticism is "merited" but he also believes that Azerbaijan is being held to different human rights standards than neighboring Georgia and Armenia. This point particularly rankles here given the violence that surrounded recent elections in those countries. Your visit will be an important opportunity to help repair the relationship and renew our engagement on democracy and human rights in a constructive vein.

POLITICAL PROCESS: THE PRESIDENTIAL ELECTION

[1](#)3. (C) Although the Azerbaijani Government continues to affirm its intent to hold a free and fair presidential election on October 15 and has taken some modest positive steps, we do not yet see evidence of a significant trend

towards an improved pre-election environment or improved conduct of voting. The Azerbaijani Government has taken some steps to further limit the political space available to independent and opposition voices in the run-up to the October 15 presidential election. Parliament recently adopted amendments to the electoral code that reduced the campaign season from 60 to 28 days, switched candidates' free air time from state TV to less widely viewed public television, and made it illegal for candidates to post election materials on buildings (ref b). Pressure on the independent and opposition media, if continued, make it unlikely that candidates other than Aliyev will receive substantial coverage in the electronic media.

¶4. (C) On a more positive note, the GOAJ has taken steps to strengthen the electoral process. Recent amendments to the electoral code strengthened the complaints and appeals process, an important step, and made it more difficult to deregister candidates (ref b). The Central Election Commission is working closely with USAID implementing partners IFES and ABA/CEELI to train local election officials. However, the GOAJ's refusal to change the composition of the election commissions as recommended by the Venice Commission (a recommendation that even Venice Commission experts now privately recognize as untenable) has prompted the opposition Azadliq bloc to boycott the election.

¶5. (C) Pointing to what he perceives as the international community's bias against Azerbaijan, Aliyev has made it clear that he sees very little benefit to taking significant steps to improve the pre-election environment in Azerbaijan. Aliyev needs to understand that improved democratic

performance would result in concrete improvements to the bilateral relationship, and moreover, that improvements to the pre-election environment appear to pose very little domestic political risk for him. Azerbaijan's opposition is weak and disjointed and, according to USG-funded polling, has approval ratings in the single digits. None of the six declared candidates is likely to pose any real competition to Aliyev.

¶6. (C) As an immediate first step to prove its commitment to a free and fair election, the GOAJ could take steps now to re-register the Election Monitoring Center, a U.S.-funded independent, local election observer group. As he did in 2005, Aliyev could also make a strong, personal appeal to locally elected officials to avoid interference in the electoral process and make it clear that abuse of administrative resources will not be tolerated. A strong public show of support for the media (specific steps outlined below) also would help level the playing field.

MEDIA FREEDOM

¶7. (C) The independent and opposition media continues to face severe pressure, including criminal court cases and physical violence. Although Aliyev pardoned five journalists in December 2007, three prominent journalists - including the editors of the most prominent independent and opposition papers - remain in jail on dubious charges (drugs, terrorism, and hooliganism) which the GOAJ claims are unrelated to the journalists' professional activities. Some observers, including OSCE Special Media Representative Miklos Haraszti, believe that journalists face pressure in retaliation for their investigative reporting of corruption. The GOAJ's ugly smear campaign against opposition Azadliq newspaper reporter Agil Khalil is but one example. GOAJ officials also routinely use newspapers to attack their rivals, prompting retaliatory criminal libel cases. The problems faced by the print media are compounded by the GOAJ's tight control over the electronic media. Most "independent" television stations have close links to the government and strictly toe the party line. Independent ANS TV and Radio - historically the sole source of balanced news coverage - has shied away from

covering controversial events, including opposition party activities, since it was closed briefly in 2006. U.S.-funded independent RFE/RL - Azadliq Radio - provides the most credible independent information but reaches few listeners beyond the Baku elites.

¶8. (C) The GOAJ has resisted international calls to decriminalize libel, develop alternative dispute resolution mechanisms and investigate cases of violence against journalists. In contrast to his strong public response in the wake of journalist Elmar Huseynov's murder in 2005, President Aliyev has been conspicuously silent on the issue of media freedom and maintains bluntly to western interlocutors that "there are no problems with media freedom" in Azerbaijan. Aliyev has indicated in his private conversations with us that he believes Azerbaijan is facing unwarranted criticism. He either does not understand the cost of Azerbaijan's poor media environment to its overall international standing and to its relationship with the U.S. in particular or is willing to pay the price. You should urge Aliyev to send a clear signal of support for freedom of speech and media, by making a strong public statement in support of media freedom and calling for an active investigation of attacks of violence against journalists.

HUMAN RIGHTS

¶9. (C) Although much of the public discussion of Azerbaijan's human rights record is driven by high-profile individual cases, we believe the root cause of Azerbaijan's human rights problems can be successfully addressed only through a targeted, structured program to fundamentally reform Azerbaijan's law enforcement and judicial systems. Currently, Azerbaijan's police forces, prison officials, judges, prosecutors and defense attorneys are poorly trained and paid, lacking in resources, corrupt and, for the most part, without any incentive to ensure they are meeting Azerbaijan's international human rights obligations in their own work. Police officials rarely are investigated or punished for human rights abuses. The European Court of Human Rights presents the only recourse for a citizen facing political charges to obtain a fair hearing. Our best chance for long-term change in Azerbaijan's human rights performance will come not only from pushing for due process in pending cases, but by supporting and pushing consistently and carefully for long-term change in Azerbaijan's judicial and legal institutions and processes. Reform of the police, the prisons, the Prosecutor General's Office, the courts, and the defense bar -- supported by continued technical assistance from the international community -- must be a central element of our human rights dialogue, even as we continue to raise our concerns in cases of egregious violations. Azerbaijan's National Human Rights Action Plan, adopted in December 2006, could be a useful platform to press for these changes, but its implementation to-date has been weak.

¶10. (C) Azerbaijan has had a historically good record on religious freedom. The GOAJ continues to strongly support the rights of Azerbaijan's traditional religious minorities. The GOAJ is putting increasing pressure, however, on groups it views as "non-traditional" such as the Baptists, the Jehovah's Witnesses, Seventh Day Adventists and some unofficial Muslim communities. In an effort to prevent the spread of extremism, the GOAJ has been unduly tough on religiously observant Muslims who choose to express their faith outside the confines of the Government-controlled mosques. Senior Azerbaijani officials - including President Aliyev - have indicated that they recognize the need to balance legitimate security concerns with personal liberties and indeed have sought a dialogue with the USG on best approach but have done little to reform the practices of the corrupt Caucasus Muslim Board or to ease the tight controls exercised by the GOAJ's watchdog State Committee on Works with Religious Agencies (SCRWA). Greater religious freedom for legitimate groups will help counter extremism in this historically tolerant country.

RULE OF LAW/ANTI-CORRUPTION

¶11. (C) Real, lasting change is impossible with a serious effort to reduce the endemic rule of law and corruption problems that reach into every aspect of life in Azerbaijan. The GOAJ has made incremental progress through the introduction of a new, transparent entrance exam for aspiring judges - and the appointment of the first 55 judges who made it through this process - but much work remains to be done. The GOAJ has moved very slowly to implement its new anti-corruption action plan. With assistance from the Council of Europe and the United States, the GOAJ recently completed work on its draft anti-money laundering and counter-terrorist finance legislation which includes changes recommended by international experts and reportedly will be considered by Parliament this month. We are studying the law to determine whether it meets international standards. Implementation of the law - particularly the establishment of a Financial Intelligence Unit - will be key. Progress in fighting anti-corruption will remain limited while senior GOAJ officials continue to pursue their own vested economic interests, underscoring the importance of continued USG efforts to push the GOAJ on economic reform. At a minimum, the GOAJ needs to implement its own conflict of interest legislation, to ensure that sitting officials are not making policy decisions that affect their own economic interests.

¶12. (C) As part of our democracy dialogue, we should press the GOAJ to implement its rule of law commitments, as articulated by the OSCE and the Council of Europe. Further reform in the judicial process -- including hiring new, well-qualified judges, restructuring and opening the defense bar, and retraining current judges, prosecutors and defense lawyers is essential to that process. A GOAJ program to reform the police force, now lacking, also is essential, particularly to ensure that individuals are protected from the arbitrary use of state powers. Continued USG technical assistance programs, particularly those implemented by INL and DOJ, as well as USAID implementing partner ABA/CEELI, are critical to our efforts. In return for continued USG support to GOAJ reform efforts, we should press for broad legal and structural changes that will allow real reform to take root, such as the enforcement of anti-corruption laws, the restructuring of the Prosecutor General's Office, and the paid retirement of current, Soviet-era judges. You should also urge the GOAJ to establish a formal program of police reform and seek regular updates as part of our democracy dialogue on the GOAJ's judicial reform program.

ENGAGED, EMPOWERED CITIZENRY

¶13. (C) Civil society is still weak and fragmented. While a few courageous groups -- primarily in the human rights sphere -- continue to speak out, they enjoy little recognition outside Baku and rely heavily on foreign funding. Civil society's weakness stems from a continuing, fundamental lack of understanding among Azerbaijan's citizens of their rights and responsibilities under a democratic system of governance, the GOAJ's implicit mistrust of NGOs and subsequent heavy-handed tactics, and the divided and personality-driven nature of Azerbaijan's NGO scene. NGOs and political parties have been stymied in their efforts to hold public rallies, with requests denied on little or no grounds. The GOAJ recently adopted amendments to the law on freedom of assembly that are likely to meet European standards, if they are implemented properly. You should urge President Aliyev to ensure the new law is implemented in a way that protects citizens' fundamental rights to freedom of association and assembly.

¶14. (C) Because an understanding of democracy is the key to an engaged and empowered citizenry, we should seek a commitment from the GOAJ to work together on civic education

programs, offering technical assistance -- on a cost-sharing basis -- that could bring international best practices to Azerbaijan. As part of our democracy dialogue, we also should press the GOAJ to ease recent restrictions on freedom of assembly, to ensure that all groups can exercise their constitutional right to freely assemble and peacefully express their views. The GOAJ also should fully respect its legal commitments regarding freedom of association by easing the NGO registration process. Holding the GOAJ to its Council of Europe commitment to eliminate the system of appointed local authorities (ExComs) by 2008 also would greatly improve the connection between citizens and their local officials, and create much-needed room for grass-roots activism. As part of our democracy dialogue, we should continue to provide technical assistance regarding community development and the strengthening of local governments.

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